

SHUN C. CHEN - State Bar No. 152565
LAW OFFICES OF SHUN C. CHEN
4521 Campus Drive, #324
Irvine, California 92612-2621

Telephone: (626) 576-1405
Fax: (626) 576-7243
E-Mail: shunchen@att.net

Attorney for Plaintiff PO-HSUN LIN

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

PO-HSUN LIN,

Plaintiff,

vs.

BELKIN INTERNATIONAL, INC., a
California corporation; and DOES 1-10,
inclusive,

Defendants.

CASE NO.

COMPLAINT FOR:

(1) Patent Infringement under 35
U.S.C. §271 et seq.

JURY TRIAL DEMANDED

Plaintiff PO-HSUN LIN (“Lin” or “Plaintiff”) for his claim against Defendant
BELKIN INTERNATIONAL, INC. (“Belkin” or “Defendant”), alleges as follows:

NATURE OF THIS ACTION

1. This is an action for wilful patent infringement under the Patent Laws of
the United States, Title 35 of the United States Code. This action is based on

1 Defendant's unlawful manufacture, use, sale, offer for sale, marketing, distribution,
2 and/or reproduction of plug assembly that blatantly misappropriates Plaintiff's right
3 under his registered patent.

4 2. In particular, Plaintiff owns a United States Design Patent D739,824 S
5 ("Patent") and distributes plug assemblies manufactured under the Patent in the
6 United States. A true and correct image of Plaintiff's plug assembly is attached
7 hereto as **Exhibit A** and incorporated herein by reference. Defendant has engaged
8 in willful patent infringement by manufacturing, using, selling, offering for sale,
9 importing, marketing, distributing , and/or reproducing plug assembly, including the
10 Belkin Micro-USB to USB Cable with Lightning Adapter, or Micro-USB Cable +
11 Adapter, with Mfg. Part Number: F8J169yw1M-APL ("Micro-USB Cable "), which
12 is virtually identical to Plaintiff's plug assembly. A true and correct image of
13 Defendant's Micro-USB Cable is attached hereto as **Exhibit B** and incorporated
14 herein by reference.

15 3. Accordingly, Plaintiff seeks actual damages, including Defendant's
16 profits attributable to the infringement and/or the maximum statutory damages for
17 willful infringement, and attorney's fees and costs.

18 19 THE PARTIES

20 4. Plaintiff is an inventor, resides in Taiwan, and owns manufacturing
21 facility in China. Plaintiff develops, designs, develops, and manufactures various
22 cable products, including the plug assembly that is the subject matter of this lawsuit.

23 5. On information and belief, Defendant Belkin is a California corporation
24 with its principal place of business located at 12045 E. Waterfront Drive, Playa Vista,
25 California 90094.

26 27 JURISDICTION AND VENUE

28 6. This action arises under the Patent Laws of the United States, Title 35 of

1 the United States Code.

2 7. This Court has subject matter jurisdiction over the claims in this
3 Complaint pursuant 28 U.S.C. §§ 1331 and 1338.

4 8. Venue in this Court is proper pursuant to 28 U.S.C. § 1391(b), and
5 §1400(b).

6 9. This Court has personal jurisdiction over Belkin, because, on
7 information and belief, Belkin is a California corporation and regularly engages in
8 business and derives substantial revenue from goods sold and used in California. In
9 addition, Belkin displays, markets, distributes, offers for sale, and sells its Micro-
10 USB Cable via the Internet, including a third party website, www.apple.com, thereby
11 placing the Micro-USB Cable into the stream of commerce intending that they would
12 be purchased by consumers with access to the Internet, including California citizens
13 residing in this judicial district. A true and correct copy of the Apple website image
14 offering Micro-USB Cable for sale is attached hereto as **Exhibit C** and incorporated
15 herein by reference. A true and correct copy of a receipt indicating that the Micro-
16 USB Cable was offered for sale and sold in Orange County through the on-line
17 Apple Store website, www.apple.com is attached hereto as **Exhibit D** and
18 incorporated herein by reference.

19
20 **PLAINTIFF'S PATENT**

21 10. Plaintiff owns the Patent, which was issued on September 29, 2015. A
22 true and correct copy of the Patent is attached hereto as **Exhibit E**. The Patent
23 discloses and claims a plug assembly with two plugs, one for Apple device, and the
24 other for Android device connected by a flexible cable connector. When the two
25 plugs were attached to each other, it appears to be a single plug. When the two plugs
26 were separated, both plugs were shown connected by a connector. The Patent was
27 duly and legally issued and is currently valid and enforceable. Plaintiff has the right
28 to sue and recover for past, present and future infringement of the Patent and to

1 obtain the relief sought herein.

2
3 **DEFENDANT’S WRONGFUL ACT**

4 11. Defendant is selling, offering for sale, marketing, distributing,
5 reproducing and/or displaying a knock-off plug assembly Micro-USB Cable . A true
6 and correct copy of the photograph of the Micro-USB Cable is attached as Exhibit B.

7 12. The Micro-USB Cable is a copy of , and bears similar or identical shape,
8 style, overall appearance and design of Plaintiff’s plug assembly in Exhibit A.

9 13. Defendant is aware that Plaintiff’s plug assembly is protected by the
10 Patent because Plaintiff sent Defendant a cease and desist letter on March 14, 2016.
11 The cease and desist letter notified Defendant that, among other things, the Micro-
12 USB Cable infringed Plaintiff’s plug assembly. A true and correct copy of the
13 March 14, 2016 cease and desist letter is attached hereto as **Exhibit F** and
14 incorporated herein by reference.

15 14. Despite this awareness, Defendant knowingly, willfully, and with
16 conscious disregard for Plaintiff’s intellectual property rights, continued its course of
17 willful patent infringement by continuing to sell and/or offer for sale the Infringing
18 Micro-USB Cable after receiving Plaintiff’s cease and desist letter.

19 15. Defendant did not receive any license, authorization, permission or
20 consent to use the Patent, or to market, promote, display, reproduce, sell and/or offer
21 to sell in interstate commerce the Micro-USB Cable.

22
23 **FIRST CLAIM FOR RELIEF**

24 **(Patent Infringement under 35 U.S.C. § 271, et seq.)**

25 16. Plaintiff refers to and herein incorporates Paragraphs 1-15 above.

26 17. Defendant had notice of the Patent before the filing of this Complaint.

27 18. Upon information and belief, Defendant has directly infringed,
28 induced infringement of, and/or contributed to infringement of the claim of the

1 Patent, both literally, and under the doctrine of equivalents, by making, using,
2 offering to sell, selling, and/or importing the Micro-USB Cable.

3 19. Upon information and belief, the infringement of the Patent by
4 Defendant have been deliberate and willful.

5 20. As a result of Defendant's infringement, Plaintiff is entitled to injunctive
6 relief, damages, costs, interest and attorney's fees pursuant to 35 U.S.C. §§283, 284,
7 and 285.

8
9 **PRAYER FOR RELIEF**

10 **WHEREFORE**, Plaintiff prays judgment as follows:

11 1. That judgment be entered in favor of Plaintiff;

12 2. Grant a preliminary and thereafter a permanent injunction restraining and
13 enjoining Defendant and all those in privity, concert or participation with Defendant
14 from manufacturing, using, selling, offering for sale, or importing into the United
15 States the infringing Micro-USB Cable or other cables that infringe the Patent;

16 3. Award Plaintiff damages in the form of lost profits, or in the alternative,
17 not less than a reasonable royalty attributable to Defendant's infringement of the
18 Patent, and that such award be increased up to three times pursuant to 35 U.S.C.
19 §284;

20 4. Find this case exceptional pursuant to 35 U.S.C. §285 and award
21 Plaintiff attorney's fees and costs incurred in this case;

22 5. Order Defendant to identify any and all websites on which the infringing
23 Micro-USB Cables are marketed, distributed, offered for sale and/or sold;

24 6. Award Plaintiff pre-judgment and post-judgment interest on any
25 monetary awards; and

26 //

27 //

28 //

1 REQUEST FOR JURY TRIAL

2 Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff PO-HSUN LIN
3 demands a trial by jury of any issue triable of right by a jury.

4 DATED: March 30, 2016

5 LAW OFFICES OF SHUN C. CHEN

6 /s/ Shun C. Chen

7 By: Shun C. Chen
8 Attorney for Plaintiff